



SUBJECT: Statutory public meeting and recommendation report for a proposed Zoning By-law amendment on 3011 Appleby Line.

TO: Planning and Development Committee

FROM: Planning and Building Department

Report Number: PB-15-17

Wards Affected: 6

File Numbers: 520-11/16

Date to Committee: January 10, 2017

Date to Council: January 23, 2017

Recommendation:

Approve the application, to amend the zoning bylaw, submitted by Nikolas Papapetrou of Calloway REIT (Burlington Appleby Inc.) to permit a 1,202m² expansion to the existing commercial retail development and to establish a new site specific parking requirement at 3011 Appleby Line; and

Enact and pass Zoning Bylaw 2020.XXX as attached as Appendix II of Planning and Building Department report PB-15-17 to amend the zoning for lands at 3011 Appleby Line; and

Deem that Bylaw 2020.XXX will conform to the Official Plan of the City of Burlington and that there are no applications to alter the Official Plan with respect to the subject lands.

Purpose:

Respond to legislation.

To recommend approval of a rezoning application considered under the Planning Act.

The purpose of the application is to increase the intensity of commercial development for the property. The application requests an increase to the maximum permitted floor area on the subject lands from 13,935m² to 15,250m². This increase to the permitted maximum floor area intends to allow for additional retail/service commercial in keeping with the planned function of the surrounding area.

A City that Grows

- Promoting Economic Growth
- Intensification

REPORT FACT SHEET

RECOMMENDATION:		<i>Approval</i>	Ward No.:	6
Application Details	APPLICANT/OWNER: FILE NUMBER: TYPE OF APPLICATION: PROPOSED USE:	<i>Nikolas Papapetrou MCIP, RPP</i> <i>520-11/16</i> <i>Zoning By-law Amendment</i> <i>Expansion to an existing commercial retail development</i>		
Property Details	PROPERTY LOCATION: MUNICIPAL ADDRESS: PROPERTY AREA: EXISTING USE:	<i>Northeast corner of Dundas Street and Appleby Line</i> <i>3011 Appleby Line</i> <i>5.98 ha (14.8 acres)</i> <i>Commercial Retail</i>		
Documents	OFFICIAL PLAN Existing: OFFICIAL PLAN Proposed: ZONING Existing: ZONING Proposed:	<i>Regional Commercial</i> <i>No change</i> <i>CR-312 (Commercial Regional Exception) Zone</i> <i>CR- 312 (amended)</i>		
Processing Details	NEIGHBOURHOOD MEETING:	<i>Not Required</i>		
	PUBLIC COMMENTS:	<i>To date, staff has received no public comments on this application.</i>		

Background and Discussion:

Surrounding Neighbourhood

On September 7, 2016 the Planning and Building Department acknowledged that a complete application had been submitted to rezone 3011 Appleby Line in order to facilitate an expansion to an existing commercial retail development.

This report provides details of the application and an analysis of the proposal against applicable policies and regulations. It is recommended that the site be rezoned from CR-312 to CR-312 (amended), with modified provisions that are tailored for the development proposal.

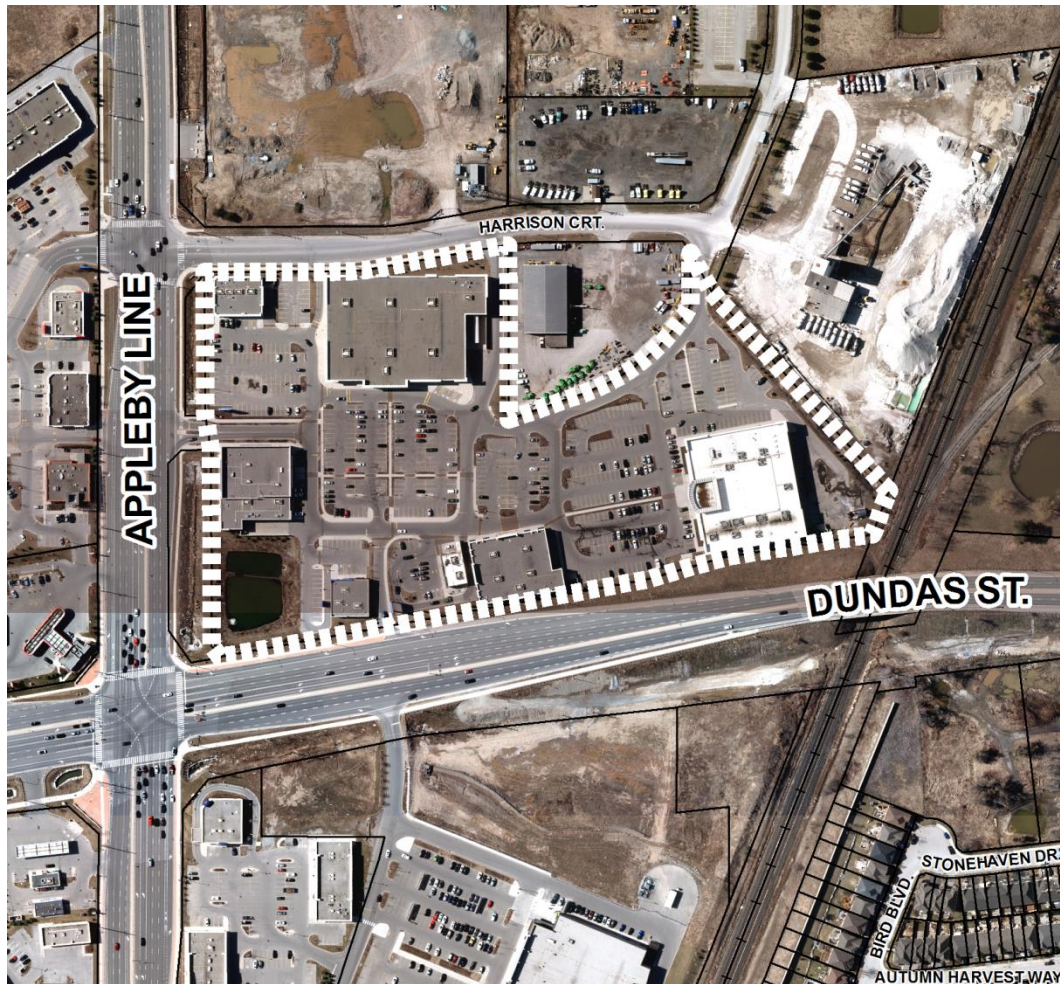
Site Description

The 5.98 ha (14.8 acres) subject site is located on the northeast corner of Dundas Street and Appleby Line in the City of Burlington as shown on Appendix I (Sketch No. 1). The site currently has a variety of commercial retail stores and services.

Surrounding Land uses include:

- North of the subject lands is Harrison Court, existing commercial including a CIBC bank and a Dairy Queen restaurant and other commercial under construction;
- East of the subject lands are Rail Lines and Forterra Brick (brickworks/ manufacturer) including outdoor storage;
- South of the subject lands is Dundas Street and existing commercial including RBC Royal Bank, Fortino's, Winners, Sport Chek; and
- West of the subject site is Appleby Line and existing commercial including Wal-Mart and Kelsey's.

Diagram 1:



The subject site is an established regional commercial/retail plaza.

Previous Settlement and the Ontario Municipal Board

In 2008 an application was made to the City of Burlington by Calloway REIT (Burlington Appleby) Inc. to rezone this property to Mixed-Use Corridor – Employment (MXE) Zone, with site-specific exceptions including:

- 1) removing the holding provision on the property and
- 2) raising the maximum floor area on the subject lands to a maximum floor area of 10,219 sq m) in order to permit an indoor fitness centre facility.

During the approvals process, some existing industrial businesses opposed the rezoning due to concerns of adjacency conflicts. For example, Hanson Brick expressed concerns that the new development to the area might be in conflict with the current operation of the plant and the plant's potential for future expansion. In 2010 the Ontario Municipal Board agreed to have the "H" symbol on the lands at 3011 Appleby Line removed, to change the

zoning of the parcel from Mixed-Use Corridor – Employment (MXE) to Commercial Regional Exception (CR-312) Zone and to allow additional uses up to a maximum floor area of 13,935 m² (OMB File No. PL081039).

Description of Application

The applicant seeks to amend the Zoning By-law 2020 (as amended) from the Regional Commercial (CR-312) Zone to the Regional Commercial (CR-312 (amended)) Zone in order to reduce the parking requirement for the subject area and to expand the existing commercial retail development for the property in two areas:

1) to expand the existing commercial retail in the northwestern portion of the site. The existing building is a 590 m² (6,352 square feet) commercial retail unit. The proposed addition/ expansion will add four (4) commercial units (two with 1,360 sq ft and two with 1,280 sq ft for a total of 5,280 sq ft and a mechanical/electrical room of 160 sq ft for a total of 5,440 sq ft (505.40 m²).

2) to construct a new stand-alone commercial retail unit (referred to in the application as Building F). This new building proposes an additional 696.8 m² (7,500 sq ft) to the subject property.

A parking reduction of approximately 50 spaces is proposed. A Parking Justification Study was submitted in support of this request.

Technical Reports

The applicant submitted the following technical reports in support of the application:

Report, Plans, Studies
Planning Justification Report (Prepared by MHBC Planning Ltd., August 2016)
Site Concept Plan (Prepared by Petroff Partnership Architects, February 2016)
Functional Servicing Report and Stormwater Management Report (Prepared by The Odan/Detech Group Inc., June 2016)
Phase 1 Environmental Site Assessment
Traffic Impact Assessment and Parking Study (Prepared by BA Group, August 2016)

Technical Review

On September 21, 2016, staff circulated a request for comments to internal and external technical agencies including Halton Region. No objections have been received.

Region of Halton:

Regional Staff have reviewed the submitted Regional Site Screening Questionnaire (SSQ) that has been completed for these lands in support with this development application, and the MOECC Record of Site Condition (No. 69148) for these lands. Based upon a review of the submitted SSQ and RSC, Regional Staff are satisfied with the application which notes that the proposed new commercial uses will be serviced via the existing servicing connections to these lands. Regional Staff are satisfied with the FSR as submitted, and the ability of the proposed new commercial pads to be serviced via water and wastewater services.

A Functional Servicing Report (FSR) prepared by Odan-Detech Consulting Engineers (June 2016) was submitted with the application which notes that the proposed new commercial uses will be serviced via the existing servicing connections to these lands. Regional Staff are satisfied with the FSR as submitted, and the ability of the proposed new commercial pads to be serviced via water and wastewater services.

Regional Staff have considered the Traffic Impact Study (BA Group, August 4, 2016) prepared in support of this development application. As stated in this report, Regional Staff are satisfied that the increase in new traffic volume from this proposed development will be low and will not have a significant impact on the area road network. Regional Staff are satisfied with the conclusions of the TIS.

CN Rail:

Staff have no objection to the proposal and offers the following comments:

The proposal's eastern section along the 'new commercial development' should include a chain-link fence, 1.83 m high, to be installed and maintained by the owner(s). Also, the proponent must ensure that the project will not result in any adverse drainage impacts to CN lands (in terms of flow rate, volume or any other parameter), and no new overland flow to CN lands in the event of a 100-year storm.

Site Engineering:

Staff have no objection to the proposal and offered no comments:

Transportation:

Staff have no objection to the proposal. The Traffic Impact and Parking Study provided by the BA Group has proposed a decrease of 50 parking spaces for this regional

commercial/retail plaza. The suggested decrease in the parking rate is from 5.25 spaces/100m² in GFA to a decreased rate of 4.86 spaces/100m² in GFA. Transportation Services staff support of this reduction is based on a review of the parking study completed by the BA Group as well as additional parking counts that were completed by Transportation Services staff.

Finance

Staff have no objection to the proposal and offers the following comments:
Property taxes must be paid in full, including all future installments levied.

Burlington Economic Development Corporation:

Economic Development has no objection to the proposal and offers the following comments:

“Please be advised that BEDC supports the application to increase existing commercial space at the above noted address by 1,202 m². It is our opinion that the increase in retail space will generate new jobs and assessment which is in alignment with BEDC’s objectives.”

Policy Framework

The proposed Zoning By-law amendment is subject to the following policy framework: the Provincial Policy Statement (PPS) 2014, the Places to Grow: Growth Plan for the Greater Golden Horseshoe, the Halton Region Official Plan, the City of Burlington Official Plan, and Zoning By-law 2020.

Provincial Policy Statement

The Provincial Policy Statement 2014 (PPS) provides broad policy direction on matters of provincial interest related to land use planning and development. The PPS identifies settlement areas as the focus of growth and supports development within settlement areas based on densities and a land use mix that efficiently uses land, resources, infrastructure and public service facilities.

The PPS directions are related to matters of Provincial interest, including applicable sections as follows:

Part V, Policy 1.1 Managing and Directing Land Use to Achieve Efficient Development and Land Use Patterns.

Section 1.1.1 gives direction for creating healthy, liveable and safe communities by: Accommodating an appropriate range and mix of residential, employment (including industrial, commercial and institutional uses), recreational and open spaces to meet long-term needs (1.1.1 b).

Staff are satisfied that the proposed development is consistent with the above policies as the provision additional regional commercial/retail at this location will provide an efficient use of land, minimizing land consumption and servicing costs. The proposal intensifies the existing plaza making efficient use of existing infrastructure and roads. This rezoning application is in conformity with the PPS.

Places to Grow: Growth Plan for the Greater Golden Horseshoe

The Growth Plan for the Greater Golden Horseshoe came into effect on June 16, 2006 and provides a growth management policy direction for the defined growth plan area. The guiding principles of the Growth Plan include building compact, vibrant and complete communities; and optimizing the use of existing and new infrastructure to support growth in a compact, efficient form. Staff finds the subject application supports a compact and efficient development form while providing additional commercial retail.

Halton Region Official Plan

The subject lands are designated as “Urban Area”. Urban areas are locations where urban services (water and waste water) are or will be made available to accommodate existing and future development.

The Regional Official Plan states that permitted uses shall be in accordance with local Official Plans and Zoning By-laws and other policies of the Regional Official Plan.

City of Burlington Official Plan

The subject site is identified as being within the Regional Commercial designation under the Comprehensive Land Use Plan – Urban Planning Area, Schedule B. The objective of this designation is to provide locations for shopping areas that offer a wide range of retail and service commercial uses and community facilities. Permitted forms of development include regional scale shopping, grouped retail with common parking and loading facilities, as well as freestanding commercial buildings provided there is no negative impact on site access or traffic circulation.

Burlington Official Plan, Part III, Section 4.3.2 i) states that the lands designated Regional Commercial in the north-east quadrant of Dundas Street and Appleby Line will not permit grocery/department stores and will not permit land uses sensitive to noise, vibration, dust, odours or other effects caused by transportation or industrial facilities, such as residential and certain institutional uses. The current proposal to add additional retail commercial space to the existing commercial plaza is consistent with the relevant Official Plan policies and is in keeping retail/service commercial development vision for this area. It is staff's opinion that the proposed zoning by-law amendment conforms with and is in keeping with the Official Plan policies.

City of Burlington By-law 2020

The subject lands are currently zoned Regional Commercial with Site Specific Exception 312 (CR-312) in By-law 2020, as amended. A range of uses are permitted in the CR Zone including: a variety of retail, commercial and office uses including but not limited to warehouse clubs, large building supplies/garden stores, restaurants, and convenience restaurants.

The Site Specific Exception 312 is the result of a previous Zoning Amendment process that went to the Ontario Municipal Board (PL010857, PL070927). This Site Specific Exception 312 restricts the maximum floor area on the subject lands to 13,935 m² (149,995 sq ft). The current application seeks to expand the floor area for the site by 1,202.17m² for a total floor area of 15,241 m² (164,056 sq ft) (Approximate 8% increase in total floor area). The floor area cap was primarily imposed due to concerns over traffic volumes in the vicinity of Appleby Line and Dundas Street. Regional and City transportation staff have indicated that they have no objections to the requested increase in floor area. The proposed intensification of the site can therefore be supported. For clarity, the revised floor area cap will be rounded to a total floor area of 15,250 m² in the proposed By-law amendment.

The applicant has also proposed a reduced parking rate of 4.86 spaces per 100m² of gross floor area. A total of 630 spaces are provided on the proposed site plan. BA Group completed parking demand surveys on the site on four occasions and observed an average parking demand of 1.72 spaces per 100m². Burlington Transportation Services staff have also visited the site and are supportive of the parking reduction. Staff have therefore proposed a reduced parking rate of 4.8 spaces per 100m² in the proposed Zoning By-law amendment.

Staff recommend amending the site specific Exception CR-312 to increase the floor area cap to 15,250m² and reduce the required parking rate to 4.8 spaces per 100m². The revised Site Specific Exception 312 (CR-312 (amended)) for By-law 2020 is attached to this report as Appendix II.

Financial Matters:

The application was processed under the standard development application fees. In accordance with the Development Application Fee Schedule, all fees determined to date have been received.

Public Engagement Matters:

Public Circulation

The application was subject to the standard circulation requirements and a public notice and request for comments were circulated in October 2016 to all owners/tenants within 120 metres of the subject property. Notice signs were also posted on the property.

Public Comments

Staff received no forms of correspondence from members of the public regarding the proposed development.

Sustainable Development Committee

Sustainable Development Committee provided the following comments:

"We feel the Developer should the following: Create a second-storey on new buildings potentially for office use or residents to intensify and make better use of the land, space and development. You may want to consider not wasting this opportunity to develop with higher density beyond the proposed new buildings. This incremental development locks you into a future development pattern that resembles sprawl more than urban density community making".

These comments from the Sustainable Development Committee were provided to the applicant upon receipt. A copy of the original correspondence is attached as Appendix III.

Conclusion:

Staff have reviewed the application in accordance with applicable provincial, regional, and local planning policies. Staff find that the application represents a reasonable redevelopment of the subject lands and recommends that the application to amend the Zoning Bylaw be approved on the basis that that the application supports the policies of Official Plan, is compatible with surrounding land uses, and satisfies the technical and servicing requirements of the affected City Departments and external agencies. Staff are also of the opinion that the proposed development represents good planning, and recommends approval of Zoning By-law 2020.XXX as attached in Appendix II.

Respectfully submitted,

Mark Hefferton, MCIP RPP
Planner II – Development Review
905-335-7600 ext. 7860

Appendices:

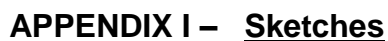
- I. Location/Zoning sketch and the Detail Sketch
- II. Site Specific Exception 312 (CR-312) to By-law 2020
- III. Application comments from the Sustainable Development Committee

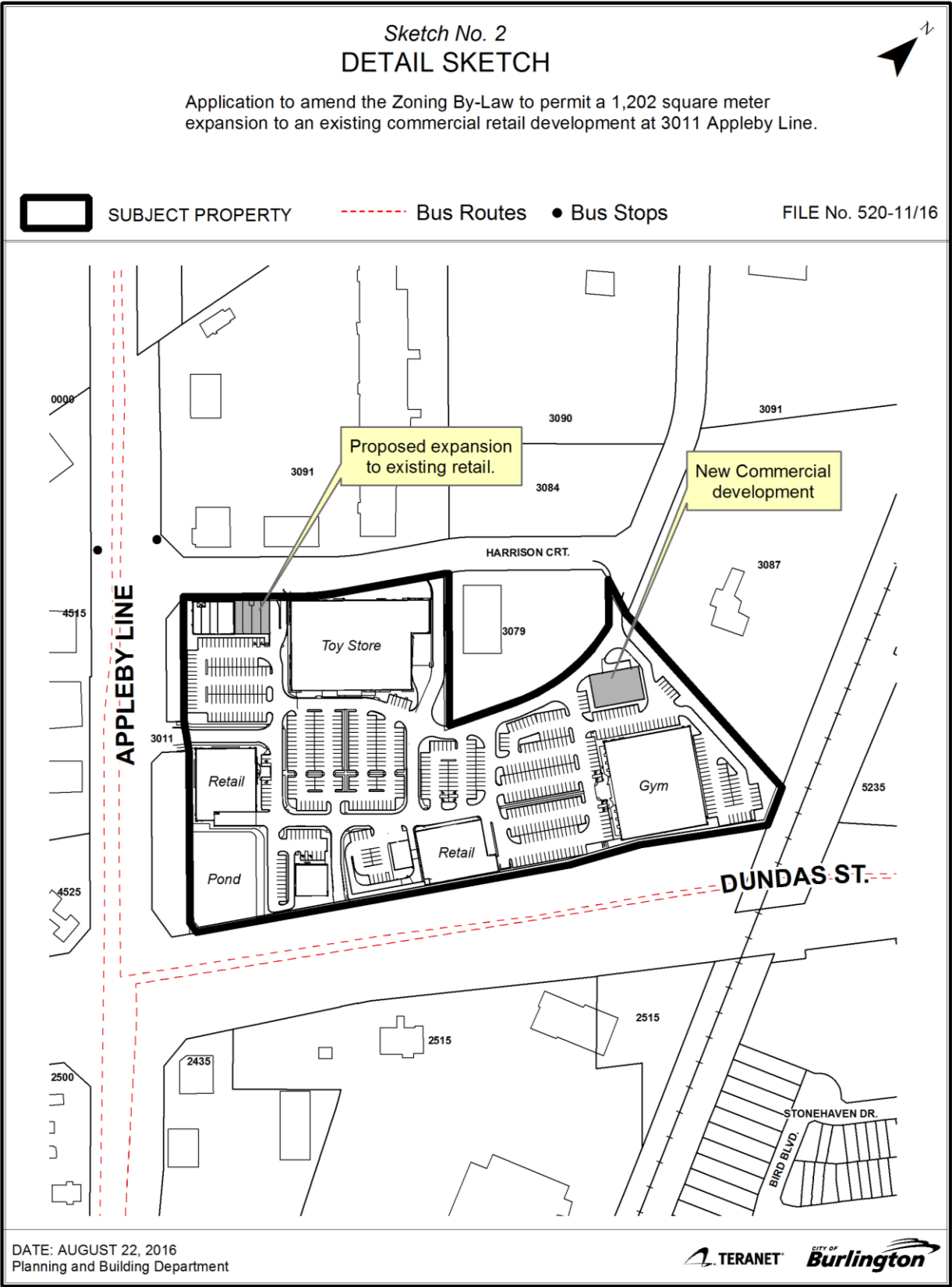
Notifications:

Nikolas Papapetrou MCIP, RPP
SmartREIT
700 Applewood Crescent
Vaughan, ON
L4K 5X3

Report Approval:

All reports are reviewed and/or approved by Department Director, Director of Finance and Director of Legal. Final approval is by the City Manager.





APPENDIX II

BY-LAW NUMBER 2020.XXX AND EXPLANATORY NOTE

THE CORPORATION OF THE CITY OF BURLINGTON

BY-LAW NUMBER 2020.XXX

A By-law to amend By-law 2020, as amended; 3011 Appleby Line

File No.: 520 -11/16

WHEREAS Section 34(1) of the Planning Act, R.S.O. 1990, c. P. 13, as amended, states that Zoning By-laws may be passed by the councils of local municipalities; and

WHEREAS the Council of the Corporation of the City of Burlington approved

Recommendation PB-15-17 on [click here](#) and enter date of approval , to amend the City's existing Zoning By-law 2020, as amended, to permit a semi-detached residential building;

THE COUNCIL OF THE CORPORATION OF THE CITY OF BURLINGTON

HEREBY ENACTS AS FOLLOWS:

1. PART 14 of By-law 2020, as amended, Exceptions to Zone Classifications, is amended by adding Exception 312 as follows:
 - a) Delete the sentence "*The uses permitted in the CR zone, unless specifically prohibited below, and the following additional uses are permitted up to a maximum floor area of 13,935 m²*".

And replace with the sentence "*The uses permitted in the CR zone, unless specifically prohibited below, and the following additional uses are permitted up to a maximum floor area of 15,250 m²*".

- b) Add the following sentence to Section 2 - Regulations:
"*(d) Parking Rate: 4.8 spaces /100 square metres of gross floor area*"

- 2a) When no notice of appeal is filed pursuant to the provisions of the Planning Act, R.S.O. 1990, c.P.13, as amended, this By-law shall be deemed to have come into force on the day it was passed.

- 2b) If one or more appeals are filed pursuant to the provisions of the Planning Act, as amended, this By-law does not come into force until all appeals have been finally disposed of, and except for such parts as are repealed or amended in accordance with an order of the Ontario Municipal Board this By-law shall be deemed to have come into force on the day it was passed.

ENACTED AND PASSED thisday of 2017.

_____MAYOR

_____CITY CLERK

EXPLANATION OF PURPOSE AND EFFECT OF BY-LAW 2020.XXX

By-law 2020.XXX rezones lands on 3011 Appleby to reduce the required parking, and permit the increased intensity of commercial development with an existing commercial retail plaza.

For further information regarding By-law 2020.XXX, please contact Mark Hefferton of the City Of Burlington Planning & Building Department at (905) 335-7600, extension 7860.

APPENDIX III –

Comments from the Sustainable Development Committee

Mon 10/24/2016 12:25 AM

Hello Mark:

SDC is not going to fully review 3011 Appleby Line.

We feel the Developer should the following: "Create a second-storey on new buildings potentially for office use or residents to intensify and make better use of the land, space and development. You may want to consider not wasting this opportunity to develop with higher density beyond the proposed new buildings. This incremental development locks you into a future development pattern that resembles sprawl more than urban density community making."

If you have any questions, please do not hesitate to contact me.

Yours truly,

Guy Sheppard

Chair of P&D Sub-committee, Sustainable Development Committee